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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,092	01/28/2002	Michael Wayne Brown	AUS920010515US1	4852

7590 10/21/2004

International Business Machines Corporation
Intellectual Property Law Department
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EXAMINER	
ZHOU, TING	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/059,092	BROWN ET AL.	
	Examiner	Art Unit	
	Ting Zhou	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-23 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 28 January 2002 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 1/28/02, 4/10/02.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 6-10, 14-18 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank et al. U.S. Patent 5,651,107.

Referring to claims 1, 9 and 17, Frank et al. teach a method, system and program comprising a graphical user interface (column 2, lines 27-30), determining an n-level within a z-order of at least one displayable object from among a plurality of displayable objects distributed within the z-order (each window, or object of the display system are layered in a certain level of the z-order, such that windows are overlapping, or on top of each other; for example, in Figure 5, window 155 is the top window, i.e. the first n-level of the z-order, and window 158 is displayed under window 155, i.e., the second n-level of the z-order) (column 6, lines 25-29 and column 8, lines 15-19), and selectively adjusting a transparency level of the at least one displayable object within a user interface positioned at the n-level within the z-order, such that the transparency level of the at least one displayable object is selectively adjusted without adjusting the z-order of the plurality of displayable objects (adjusting the transparency of a particular window, at a particular level of the z-order, with the slider bar, so that underlying windows becomes visible;

in the example given in Figure 7, window 205 is the "active window" and is on top of windows 210 and 215 and by changing the alpha value of the window, the transparency is adjusted so that window 210 is visible as a "ghost" image through window 205, but window 205 is still the top window; therefore, the transparency of window 205 is changed but the window's n-level within the z-order remains unchanged) (column 2, lines 46-67 through column 3, lines 1-4, column 8, lines 39-63 and column 9, lines 5-41).

Referring to claims 2, 10 and 18, Frank et al. teach receiving a specified user selection of the n-level as a setting for a flashlight tool (the user can select a window at a particular n-level, i.e. select a window in the layers of overlapped windows, and adjust the position of the slider bar of the window, to adjust the window's transparency level) (column 9, lines 5-41).

Referring to claims 6, 14 and 21, Frank et al. teach determining a selection of the plurality of displayable objects matching a particular criteria (such as determining windows that are overlaid on top of each other, i.e. windows that are obscuring other windows, and windows that are obscured by other windows), and determining at least one n-level for the selection of the plurality of displayable objects matching the particular criteria (determine the order of windows, for example, determining that window 205 is the "active" window and is on top of windows 210 and 215 in Figure 7) (column 8, lines 39-63).

Referring to claims 7, 15 and 22, Frank et al. teach selectively adjusting a transparency level of the at least one displayable object according to a transparency designated for a slider bar indicating the at least one displayable object (adjusting the transparency level of the displayed window by setting the alpha value between the values of 0 and 1 with a slider bar within the window) (column 2, lines 63-67 and column 9, lines 10-41).

Referring to claims 8, 16 and 23, Frank et al. teach selectively adjusting a transparency level of the at least one displayable object according to a transparency designated for a flashlight tool positioned to selectively adjust the transparency level of the at least one displayable object (the user can selectively adjust the transparency level of the displayed window according to a transparency designated for a flashlight tool such as the slider bar on the displayed window, which allows the alpha value to be set by use of the cursor control device to move the slider bar) (column 2, lines 56-67 and column 9, lines 5-41) .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 3-5, 11-13 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank et al. U.S. Patent 5,651,107, as applied to claims 1, 9 and 17 above, and Microsoft® Windows NT Task Manager, copyright 1998 (Screenshot 1).

Referring to claims 3, 11 and 19, Frank et al. teach all of the limitations as applied to claims 1, 9 and 17 above. However, Frank et al. fail to explicitly teach detecting a position of a slider bar within a z-order listing, and determining the n-level of the at least one displayable object association with the position of the slider bar within the z-order listing. Microsoft®

Windows NT Task Manager teaches an interface that determines a z-order of displayable objects (the order in which application windows were opened, or overlapped) similar to that of Frank et al. In addition, Microsoft® Windows NT Task Manager further teaches detecting a position of a slider bar within a z-order listing (determining the position of the slider bar, or scroll bar of the task manager window shown in Screenshot 2, which shows a listing of applications that are opened, in the order in which they were opened), and determining the n-level of the at least one displayable object association with the position of the slider bar within the z-order listing (the slider bar on the task manager window can be moved along the list of open windows, or in other words, it can be moved along the list of the n-level of the displayed windows; i.e. the first opened window is at the first n-level, the second opened windows is at the second n-level, etc.) (Screenshot 2). It would have been obvious to one of ordinary skill in the art, having the teachings of Frank et al. and Microsoft® Windows NT Task Manager before him at the time the invention was made, to modify the interface for displaying n-levels of windows within a z-order of Frank et al. to include the slider bar interface graphically displaying a z-order listing of windows, taught by Microsoft® Windows NT Task Manager. One would have been motivated to make such a combination in order to provide users with a quick and easy summary of programs and applications in use and the status of those programs and applications, thus allowing users to conveniently and easily manipulate windows on the desktop.

Referring to claims 4 and 12, Frank et al. teach all of the limitations as applied to claims 1 and 9 above. However, Frank et al. fail to explicitly teach graphically displaying the z-order listing within the user interface, wherein the z-order listing orders the plurality of displayable objects according to a user designated criteria. Microsoft® Windows NT Task Manager teaches

an interface that determines a z-order of displayable objects (the order in which application windows were opened, or overlapped) similar to that of Frank et al. In addition, Microsoft® Windows NT Task Manager further teaches graphically displaying the z-order listing within the user interface, wherein the z-order listing orders the plurality of displayable objects according to a user designated criteria (as shown in Screenshot 2, the Task Manager displays a listing of the z-order of opened application windows, i.e. the order in which the application windows were opened, with the most recently opened application window displayed at the top of the list and the first opened application window displayed at the bottom of the list; furthermore, users can display different views of the z-order listing with choices such as small icons, large icons and detail views, as shown in Screenshot 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Frank et al. and Microsoft® Windows NT Task Manager before him at the time the invention was made, to modify the interface for displaying n-levels of windows within a z-order of Frank et al. to include the display of a z-order listing of windows, taught by Microsoft® Windows NT Task Manager. One would have been motivated to make such a combination in order to provide users with a quick and easy summary of programs and applications in use and the status of those programs and applications, thus allowing users to conveniently and easily manipulate windows on the desktop.

Referring to claims 5, 13 and 20, Frank et al. teach all of the limitations as applied to claims 1, 9 and 17 above. Specifically, Frank et al. teach adjusting a transparency of each window within the displayed z-order of windows (adjusting the transparency of a particular window, at a particular level of the z-order, with the slider bar, so that underlying windows becomes visible) (Frank et al.: column 2, lines 46-67 through column 3, lines 1-4, column 8,

lines 39-63 and column 9, lines 5-41). However, Frank et al. fail to explicitly teach adjusting a transparency of each entry within the z-order listing according to a transparency of each of the plurality of displayable objects. Microsoft® Windows NT Task Manager teaches an interface that determines a z-order of displayable objects (the order in which application windows were opened, or overlapped) similar to that of Frank et al. In addition, Microsoft® Windows NT Task Manager further teaches graphically displaying the z-order listing of opened application and program windows and the status of those application and program windows (as shown in Screenshot 2, the Task Manager displays a listing of the z-order of opened application windows, i.e. the order in which the application windows were opened). It would have been obvious to one of ordinary skill in the art, having the teachings of Frank et al. and Microsoft® Windows NT Task Manager before him at the time the invention was made, to modify the interface for adjusting the transparency of each window in the z-order of Frank et al. to include the display of a z-order listing of windows, taught by Microsoft® Windows NT Task Manager, in order to obtain an interface that adjusts a transparency of each entry within the z-order listing according to a transparency of each of the plurality of displayable objects. One would have been motivated to make such a combination in order to provide users with a quick and easy summary of programs and applications in use and the status of those programs and applications, thus allowing users to conveniently and easily manipulate windows on the desktop.

3. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

these references fully when responding to this action. The documents cited therein teach similar interfaces for displaying the z-order of windows.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328 through the month of October, 2004 and (571) 272-4058 thereafter. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (703) 308-3116 through the month of October, 2004 and (571) 272-4048 thereafter. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-8720 through the month of October, 2004 and (571) 273-4058 thereafter.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15 September 2004